

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of this Commonwealth must be to enable each student to develop the skills that are necessary for success in school and preparation for life. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning including problem solving and decision making; proficiency in the use of computers and related technology; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and

any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall ~~supplement-include in~~ the Standards of Learning for history and social science ~~to ensure~~ the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" shall include consideration of disability, ethnicity, race, and gender.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that corresponds to the Standards of Learning, and meets or exceeds requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education and employment or, in the case of children with disabilities, to qualify for appropriate training; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning

assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit required for the student's graduation.

Any student who passes one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails all of the Standards of Learning assessments for the relevant grade level in grades three through eight shall be required to attend a summer school program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit required for the student's graduation. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

- 1 2. Programs based on prevention, intervention, or remediation designed to increase the
2 number of students who earn a high school diploma and to prevent students from
3 dropping out of school.
- 4 3. Career and technical education programs incorporated into the K through 12 curricula
5 that include:
 - 6 a. Knowledge of careers and all types of employment opportunities including, but not
7 limited to, apprenticeships, entrepreneurship and small business ownership, the military,
8 and the teaching profession, and emphasize the advantages of completing school with
9 marketable skills;
 - 10 b. Career exploration opportunities in the middle school grades; and
 - 11 c. Competency-based career and technical education programs that integrate academic
12 outcomes, career guidance and job-seeking skills for all secondary students. Programs
13 must be based upon labor market needs and student interest. Career guidance shall
14 include counseling about available employment opportunities and placement services for
15 students exiting school. Each school board shall develop and implement a plan to ensure
16 compliance with the provisions of this subdivision. Such plan shall be developed with the
17 input of area business and industry representatives and local community colleges and
18 shall be submitted to the Superintendent of Public Instruction in accordance with the
19 timelines established by federal law.
- 20 4. Early identification of students with disabilities and enrollment of such students in
21 appropriate instructional programs consistent with state and federal law.
- 22 5. Early identification of gifted students and enrollment of such students in appropriately
23 differentiated instructional programs.
- 24 6. Educational alternatives for students whose needs are not met in programs prescribed
25 elsewhere in these standards. Such students shall be counted in average daily membership
26 (ADM) in accordance with the regulations of the Board of Education.
- 27 7. Adult education programs for individuals functioning below the high school
28 completion level. Such programs may be conducted by the school board as the primary
29 agency or through a collaborative arrangement between the school board and other
30 agencies.
- 31 8. A plan to make achievements for students who are educationally at risk a divisionwide
32 priority that shall include procedures for measuring the progress of such students.
- 33 9. A plan to notify students and their parents of the availability of dual enrollment and
34 advanced placement classes, the International Baccalaureate Program, and Academic
35 Year Governor's School Programs, the qualifications for enrolling in such classes and
36 programs, and the availability of financial assistance to low-income and needy students to
37 take the advanced placement and International Baccalaureate examinations.

1 10. Identification of students with limited English proficiency and enrollment of such
2 students in appropriate instructional programs.

3 11. Early identification, diagnosis, and assistance for students with reading problems and
4 provision of instructional strategies and reading practices that benefit the development of
5 reading skills for all students.

6 12. Incorporation of art, music, and physical education as a part of the instructional
7 program at the elementary school level.

8 13. A program of student services for grades kindergarten through 12 that shall be
9 designed to aid students in their educational, social, and career development.

10 14. A process of collecting and analyzing data, and using the results to evaluate and
11 make decisions about the instructional program.

12 E. From such funds as may be appropriated or otherwise received for such purpose, there
13 shall be established within the Department of Education a unit to (i) conduct evaluative
14 studies; (ii) provide the resources and technical assistance to increase the capacity for
15 school divisions to deliver quality instruction; and (iii) assist school divisions in
16 implementing those programs and practices that will enhance pupil academic
17 performance and improve family and community involvement in the public schools. Such
18 unit shall identify and analyze effective instructional programs and practices and
19 professional development initiatives; evaluate the success of programs encouraging
20 parental and family involvement; assess changes in student outcomes prompted by family
21 involvement; and collect and disseminate among school divisions information regarding
22 effective instructional programs and practices, initiatives promoting family and
23 community involvement, and potential funding and support sources. Such unit may also
24 provide resources supporting professional development for administrators and teachers.
25 In providing such information, resources, and other services to school divisions, the unit
26 shall give priority to those divisions demonstrating a less than 70 percent passing rate on
27 the Standards of Learning assessments.

1 **§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.**

2 A. The Board shall establish requirements for the licensing of teachers, principals,
3 superintendents, and other professional personnel.

4 B. School boards shall employ licensed instructional personnel qualified in the relevant
5 subject areas.

6 C. Each school board shall assign licensed instructional personnel in a manner that
7 produces divisionwide ratios of students in average daily membership to full-time
8 equivalent teaching positions, excluding special education teachers, principals, assistant
9 principals, counselors, and librarians, that are not greater than the following ratios: (i) 24
10 to one in kindergarten with no class being larger than 29 students; if the average daily
11 membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall
12 be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being
13 larger than 30 students; (iii) 25 to one in grades four through six with no class being
14 larger than 35 students; and (iv) 24 to one in English classes in grades six through 12.

15 Within its regulations governing special education programs, the Board shall seek to set
16 pupil/teacher ratios for educable mentally retarded (EMR) pupils ~~that who~~ do not exceed
17 the pupil/teacher ratios for self-contained classes for pupils with specific learning
18 disabilities.

19 ~~(21:1 ratio is funded for the second year—see Editor's note)~~¹ Further, school boards shall
20 assign instructional personnel in a manner that produces schoolwide ratios of students in
21 average daily memberships to full-time equivalent teaching positions of 21 to one in
22 middle schools and high schools. School divisions shall provide all middle and high
23 school teachers with one planning period per day or the equivalent, unencumbered of any
24 teaching or supervisory duties.

25 D. Each local school board shall employ with state and local basic, special education,
26 gifted, and career and technical education funds a minimum number of licensed, full-time
27 equivalent instructional personnel for each 1,000 students in average daily membership
28 (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall
29 be based on full-day kindergarten programs. Beginning with the March 31 report of
30 average daily membership, those school divisions offering half-day kindergarten with
31 pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for
32 kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as
33 provided in the appropriation act.

34 E. In addition to the positions supported by basic aid and in support of regular school
35 year programs of prevention, intervention, and remediation, state funding, pursuant to the
36 appropriation act, shall be provided to fund certain full-time equivalent instructional
37 positions for each 1,000 students in grades K through 12 who are identified as needing
38 prevention, intervention, and remediation services. State funding for prevention,

¹ Extraneous language in the body of the standard. According to the Editor's Note, the 21:1 ratio is funded for the second year only.

1 intervention, and remediation programs provided pursuant to this subsection and the
2 appropriation act may be used to support programs for educationally at-risk students as
3 identified by the local school boards.

4 F. In addition to the positions supported by basic aid and those in support of regular
5 school year programs of prevention, intervention, and remediation, state funding,
6 pursuant to the appropriation act, shall be provided to support ~~10-17~~² full-time equivalent
7 instructional positions for each 1,000 students identified as having limited English
8 proficiency.

9 G. In addition to the full-time equivalent positions required elsewhere in this section,
10 each local school board shall employ the following reading specialists in elementary
11 schools, one full-time in each elementary school at the discretion of the local school
12 board.

13 H. Each local school board shall employ, at a minimum, the following full-time
14 equivalent positions for any school that reports fall membership, according to the type of
15 school and student ~~employment~~ enrollment³:

16 1. Principals in elementary schools, one half-time to 299 students, one full-time at 300
17 students; principals in middle schools, one full-time, to be employed on a 12-month
18 basis; principals in high schools, one full-time, to be employed on a 12-month basis;

19 2. Assistant principals in elementary schools, one half-time at 600 students, one full-time
20 at 900 students; assistant principals in middle schools, one full-time for each 600
21 students; assistant principals in high schools, one full-time for each 600 students;

22 3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300
23 students; librarians in middle schools, one-half time to 299 students, one full-time at 300
24 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299
25 students, one full-time at 300 students, two full-time at 1,000 students;

26 4. Guidance counselors in elementary schools, one hour per day per 100 students, one
27 full-time at 500 students, one hour per day additional time per 100 students or major
28 fraction thereof; guidance counselors in middle schools, one period per 80 students, one
29 full-time at 400 students, one additional period per 80 students or major fraction thereof;
30 guidance counselors in high schools, one period per 70 students, one full-time at 350
31 students, one additional period per 70 students or major fraction thereof; and

32 5. Clerical personnel in elementary schools, part-time to 299 students, one full-time at
33 300 students; clerical personnel in middle schools, one full-time and one additional full-
34 time for each 600 students beyond 200 students and one full-time for the library at 750
35 students; clerical personnel in high schools, one full-time and one additional full-time for
36 each 600 students beyond 200 students and one full-time for the library at 750 students.

² Modify language to match § 146 C.15 of the 2004 Appropriation Act.

³ Correct error.

I. Local school boards shall employ five positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. ~~(See Editor's note)~~⁴ Local school boards shall employ two positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for guidance counselors, and shall be based on the school's total enrollment; guidance counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before January 1, report to the public the actual pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

⁴ Extraneous information in the body of the standard. According to the Editor's Note, Subsection J, as set out, was funded for only one position the first year and fully funded for the second year.

1 O. Each local school board shall provide those support services that are necessary for the
2 efficient and cost-effective operation and maintenance of its public schools.

3 For the purposes of this title, unless the context otherwise requires, "support services"
4 shall include services provided by the school board members; the superintendent;
5 assistant superintendents; student services (including guidance counselors, social
6 workers, and homebound, improvement, principal's office, and library-media positions);
7 attendance and health positions; administrative, technical, and clerical positions;
8 operation and maintenance positions; educational technology positions; school nurses;
9 and pupil transportation positions.

10 Pursuant to the ~~appropriations~~appropriation act, support services shall be funded from
11 basic school aid on the basis of prevailing statewide costs. |

1 **§ 22.1-253.13:3. Standard 3. Accreditation, other standards and evaluation.**

2 A. The Board of Education shall promulgate regulations establishing standards for
3 accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall
4 include, but not be limited to, student outcome measures, requirements and guidelines for
5 instructional programs and for the integration of educational technology into such
6 instructional programs, ~~administrative and instructional staffing levels and positions,~~
7 ~~including staff positions for supporting educational technology, student services,~~
8 ~~auxiliary education programs such as library and media services,~~ course and credit
9 requirements for graduation from high school, community relations, and the philosophy,
10 goals, and objectives of public education in Virginia.

11 The Board shall review annually the accreditation status of all schools in the
12 Commonwealth.

13 Each local school board shall maintain schools that are fully accredited pursuant to the
14 standards of accreditation as prescribed by the Board of Education. Each local school
15 board shall review the accreditation status of all schools in the local school division
16 annually in public session. Within the time specified by the Board of Education, each
17 school board shall submit corrective action plans for any schools within its school
18 division that have been designated as not meeting the standards as approved by the
19 Board.

20 When the Board of Education has obtained evidence through the school academic review
21 process that the failure of schools within a division to achieve full accreditation status is
22 related to division failure to implement the Standards of Quality, the Board may require a
23 division level academic review. After the conduct of such review and within the time
24 specified by the Board of Education, each school board shall submit for approval by the
25 Board a corrective action plan, consistent with criteria established by the Board and
26 setting forth specific actions and a schedule designed to ensure that schools within its
27 school division achieve full accreditation status. Such corrective action plans shall be
28 part of the relevant school division's ~~six-year improvement comprehensive~~ plan pursuant
29 to § 22.1-253.13:6.

30 With such funds as are appropriated or otherwise received for this purpose, the Board
31 shall adopt and implement an academic review process, to be conducted by the
32 Department of Education, to assist schools that are accredited with warning. The
33 Department shall forward a report of each academic review to the relevant local school
34 board, and such school board shall ~~make report~~ the results of such academic review and
35 the required annual progress reports available to the public in public session. The local
36 school board shall implement any actions identified through the academic review and
37 utilize them for improvement planning.

38 B. The Superintendent of Public Instruction shall develop and the Board of Education
39 shall approve criteria for determining and recognizing educational performance in the
40 Commonwealth's public school divisions and schools. Such criteria, when approved, shall
41 become an integral part of the accreditation process and shall include student outcome
42 measurements. The Superintendent of Public Instruction shall annually identify to the

1 Board those school divisions and schools that exceed or do not meet the approved
2 criteria. Such identification shall include an analysis of the strengths and weaknesses of
3 public education programs in the various school divisions in Virginia and
4 recommendations to the General Assembly for further enhancing student learning
5 uniformly across the Commonwealth. In recognizing educational performance in the
6 school divisions, the Board shall include consideration of special school division
7 accomplishments, such as numbers of dual enrollments and students in Advanced
8 Placement and International Baccalaureate courses, and participation in academic year
9 Governor's Schools.

10 The Superintendent of Public Instruction shall assist local school boards in the
11 implementation of action plans for increasing educational performance in those school
12 divisions and schools that are identified as not meeting the approved criteria. The
13 Superintendent of Public Instruction shall monitor the implementation of and report to the
14 Board of Education on the effectiveness of the corrective actions taken to improve the
15 educational performance in such school divisions and schools.

16 C. With such funds as are available for this purpose, the Board of Education shall
17 prescribe assessment methods to determine the level of achievement of the Standards of
18 Learning objectives by all students. Such assessments shall evaluate knowledge,
19 application of knowledge, critical thinking, and skills related to the Standards of Learning
20 being assessed. The Board shall (i) in consultation with the chairpersons of the eight
21 regional superintendents' study groups, establish a timetable for administering the
22 Standards of Learning assessments to ensure genuine end-of-course and end-of-grade
23 testing and (ii) with the assistance of independent testing experts, conduct a regular
24 analysis and validation process for these assessments.

25 In prescribing such Standards of Learning assessments, the Board shall provide local
26 school boards the option of administering tests for United States History to 1877, United
27 States History: 1877 to the Present, and Civics and Economics. The Board of Education
28 shall make publicly available such assessments in a timely manner and as soon as
29 practicable following the administration of such tests, so long as the release of such
30 assessments does not compromise test security or deplete the bank of assessment
31 questions necessary to construct subsequent tests.

32 The Board shall include in the student outcome measures that are required by the
33 Standards of Accreditation end-of-course or end-of-grade tests for various grade levels
34 and classes, as determined by the Board, in accordance with the Standards of Learning.
35 These Standards of Learning assessments shall include, but need not be limited to, end-
36 of-course or end-of-grade tests for English, mathematics, science, and history and social
37 science.

38 In addition, to assess the educational progress of students, the Board of Education shall
39 (i) develop appropriate assessments, which may include criterion-referenced tests and
40 alternative assessment instruments that may be used by classroom teachers and (ii)
41 prescribe and provide measures, which may include nationally normed tests to be used to
42 identify students who score in the bottom quartile at selected grade levels.

1 D. The Board of Education is authorized to pursue all available civil remedies for
2 breaches in test security and unauthorized alteration of test materials or test results.
3 Notwithstanding any other provision of state law, no test or examination authorized by
4 this section, including the Standards of Learning assessments, shall be released or
5 required to be released as minimum competency tests, if, in the judgment of the Board,
6 such release would breach the security of such test or examination or deplete the bank of
7 questions necessary to construct future secure tests.

8 E. With such funds as may be appropriated, the Board of Education may provide, through
9 an agreement with vendors having the technical capacity and expertise to provide
10 computerized tests and assessments, and test construction, analysis, and security, for (i)
11 web-based computerized tests and assessments for the evaluation of student progress
12 during and after remediation and (ii) the development of a remediation item bank directly
13 related to the Standards of Learning.

14 F. To assess the educational progress of students as individuals and as groups, each local
15 school board shall require the implementation of a data-driven decision making process
16 to evaluate student progress and determine and recognize education performance. Each
17 local school board shall require the administration of appropriate assessments to all
18 students for grade levels and courses identified by the Board of Education, which may
19 include criterion-referenced tests, teacher-made tests and alternative assessment
20 instruments and shall include the Standards of Learning Assessments and the National
21 Assessment of Educational Progress state-by-state assessment. Each school board shall
22 analyze and report annually, in compliance with any criteria that may be established by
23 the Board of Education, the results from the Stanford Achievement Test Series, Ninth
24 Edition (Stanford Nine) assessment, if administered, industry certification examinations,
25 and the Standards of Learning Assessments to the public.

26 The Board of Education shall not require administration of the Stanford Achievement
27 Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to
28 facilitate compliance with the requirements for home instruction pursuant to § 22.1-
29 254.1.

30 The Board shall include requirements for the reporting of the Standards of Learning
31 assessment scores and averages for each year as part of the Board's requirements relating
32 to the School Performance Report Card. Such scores shall be disaggregated for each
33 school by gender and by race or ethnicity, and shall be reported to the public within three
34 months of their receipt. These reports (i) shall be posted on the portion of the Department
35 of Education's website relating to the School Performance Report Card, in a format and in
36 a manner that allows year-to-year comparisons, and (ii) may include the National
37 Assessment of Educational Progress state-by-state assessment.

38 G. Each local school division superintendent shall regularly review the division's
39 submission of data and reports required by state and federal law and regulations to ensure
40 that all information is accurate and submitted in a timely fashion. The Superintendent of
41 Public Instruction shall provide a list of the required reports and data to division
42 superintendents annually. The status of compliance with this requirement shall be
43 included in the Board of Education's annual report to the Governor and the General

1 Assembly as required by § 22.1-18.

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1 **§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

2 A. Each local school board shall award diplomas to all secondary school students,
3 including students who transfer from nonpublic schools or from home instruction, who
4 earn the units of credit prescribed by the Board of Education, pass the prescribed tests,
5 and meet such other requirements as may be prescribed by the local school board and
6 approved by the Board of Education. Provisions shall be made for students who transfer
7 between secondary schools and from nonpublic schools or from home instruction as
8 outlined in the standards for accreditation. Further, reasonable accommodation to meet
9 the requirements for diplomas shall be provided for otherwise qualified students with
10 disabilities as needed.

11 In addition, each local school board may devise, vis-a-vis the award of diplomas to
12 secondary school students, a mechanism for calculating class rankings that takes into
13 consideration whether the student has taken a required class more than one time and has
14 had any prior earned grade for such required class expunged.

15 Each local school board shall notify the parent of rising eleventh and twelfth grade
16 students of (i) the number of standard and verified units of credit required for graduation
17 pursuant to the standards of accreditation and (ii) the remaining number of such units of
18 credit the individual student requires for graduation.

19 B. Students identified as disabled who complete the requirements of their individualized
20 education programs shall be awarded special diplomas by local school boards.

21 Each local school board shall notify the parent of such students with disabilities who have
22 an individualized education program and who fail to meet the requirements for
23 graduation of the student's right to a free and appropriate education to age 21, inclusive,
24 pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13 of this title.

25 C. Students who have completed a prescribed course of study as defined by the local
26 school board shall be awarded certificates of program completion by local school boards
27 if they are not eligible to receive a standard, advanced studies, modified standard, or
28 general achievement diploma.

29 Each local school board shall provide notification of the right to a free public education
30 for students who have not reached 20 years of age on or before August 1 of the school
31 year, pursuant to Chapter 1 (§ 22.1-1 et seq.) of this title, to the parent of students who
32 fail to graduate or who have failed to achieve the number of verified units of credit
33 required for graduation as provided in the standards of accreditation. If such student who
34 does not graduate or achieve such verified units of credit is a student for whom English is
35 a second language, the local school board shall notify the parent of the student's
36 opportunity for a free public education in accordance with § 22.1-5.

37 D. In establishing course and credit requirements for a high school diploma, the Board
38 shall:

1 1. Provide for the selection of integrated learning courses meeting the Standards of
2 Learning and approved by the Board to satisfy graduation credit requirements, which
3 shall include Standards of Learning testing, as necessary;

4 2. Establish the requirements for a standard, modified standard, or advanced studies high
5 school diploma, which shall include one credit in fine, performing, or practical arts and
6 one credit in United States and Virginia history. The requirements for a standard high
7 school diploma shall, however, include at least two sequential electives chosen from a
8 concentration of courses selected from a variety of options that may be planned to ensure
9 the completion of a focused sequence of elective courses. Students may take such focused
10 sequence of elective courses in consecutive years or any two years of high school. Such
11 focused sequence of elective courses shall provide a foundation for further education or
12 training or preparation for employment and shall be developed by the school division,
13 consistent with Board of Education guidelines and as approved by the local school board;

14 3. Provide, in the requirements for the verified units of credit stipulated for obtaining the
15 standard or advanced studies diploma, that students completing elective classes into
16 which the Standards of Learning for any required course have been integrated may take
17 the relevant Standards of Learning test for the relevant required course and receive, upon
18 achieving a satisfactory score on the specific Standards of Learning assessment, a
19 verified unit of credit for such elective class that shall be deemed to satisfy the Board's
20 requirement for verified credit for the required course; and

21 4. Establish a procedure to facilitate the acceleration of students that allows qualified
22 students, with the recommendation of the division superintendent, without completing the
23 140-hour class, to obtain credit for such class upon demonstration of mastery of the
24 course content and objectives. Having received credit for the course, the student shall be
25 permitted to sit for the relevant Standards of Learning assessment and, upon receiving a
26 passing score, shall earn a verified credit. Nothing in this section shall preclude relevant
27 school division personnel from enforcing compulsory attendance in public schools.

28 In addition, the Board may:

29 a. For the purpose of awarding verified units of credit, approve the use of additional or
30 substitute tests for the correlated Standards of Learning assessment, such as academic
31 achievement tests, industry certifications or state licensure examinations; and

32 b. Permit students completing career and technical education programs designed to
33 enable such students to pass such industry certification examinations or state licensure
34 examinations to be awarded, upon obtaining satisfactory scores on such industry
35 certification or licensure examinations, the appropriate verified units of credit for one or
36 more career and technical education classes into which relevant Standards of Learning for
37 various classes taught at the same level have been integrated. Such industry certification
38 and state licensure examinations may cover relevant Standards of Learning for various
39 required classes and may, at the discretion of the Board, address some Standards of
40 Learning for several required classes.

1 E. In the exercise of its authority to recognize exemplary academic performance by
2 providing for diploma seals, the Board of Education shall develop criteria for recognizing
3 exemplary performance in career and technical education programs by students who have
4 completed the requirements for a standard or advanced studies diploma and shall award
5 seals on the diplomas of students meeting such criteria.

6 In addition, the Board shall establish criteria for awarding a diploma seal for advanced
7 mathematics and technology for the standard and advanced studies diplomas. The Board
8 shall consider including criteria for (i) technology courses; (ii) technical writing, reading,
9 and oral communication skills; (iii) technology-related practical arts training; and (iv)
10 industry, professional, and trade association national certifications.

11 The Board shall also establish criteria for awarding a diploma seal for excellence in civics
12 education and understanding of our state and federal constitutions and the democratic
13 model of government for the standard and advanced studies diplomas. The Board shall
14 consider including criteria for (i) successful completion of history, government, and
15 civics courses, including courses that incorporate character education; (ii) voluntary
16 participation in community service or extracurricular activities; and (iii) related
17 requirements as it deems appropriate.

18 F. The Board shall establish, by regulation, requirements for the award of a general
19 achievement diploma for those persons who have (i) achieved a passing score on the
20 GED examination; (ii) successfully completed an education and training program
21 designated by the Board of Education; and (iii) satisfied other requirements as may be
22 established by the Board for the award of such diploma.

1 **§ 22.1-253.13:5. Standard 5. Teacher quality and educational leadership.**

2 A. Each member of the Board of Education shall participate in high-quality professional
3 development programs on personnel, curriculum and current issues in education as part
4 of his service on the Board.

5 B. Consistent with the finding that leadership is essential for the advancement of public
6 education in the Commonwealth, the Board of Education shall develop uniform
7 performance standards and evaluation criteria for teachers, administrators, and
8 superintendents, which shall include standards for training in the implementation of the
9 Standards of Learning and training in the evaluation and documentation of teacher and
10 administrator performance based on student academic progress and the skills and
11 knowledge of instructional personnel.

12 Teacher evaluations shall be based on regular observation of the teacher in the classroom.
13 The evaluations shall be based, in part, on evidence that instruction is aligned with the
14 school division's written curriculum, and shall include identification of appropriate
15 professional development tailored to each individual teacher's instructional needs.

16 C. The Board of Education shall provide guidance on high-quality professional
17 development for (i) teachers, principals, supervisors, division superintendents and other
18 school staff; (ii) administrative and supervisory personnel in the evaluation and
19 documentation of teacher and administrator performance based on student academic
20 progress and the skills and knowledge of such instructional or administrative personnel;
21 (iii) school board members on personnel, curriculum and current issues in education; and
22 (iv) programs in Braille for teachers of the blind and visually impaired, in cooperation
23 with the Virginia Department for the Blind and Vision Impaired.

24 The Board shall also provide technical assistance on high-quality professional
25 development to local school boards designed to ensure that all instructional personnel are
26 proficient in the use of educational technology consistent with its ~~Six-Year Educational~~
27 ~~Technology Plan for Virginia~~ comprehensive plan for educational technology.

28 D. Each local school board shall require (i) its members to participate annually in high-
29 quality professional development programs on governance, including but not limited to
30 personnel policies and practices; curriculum and instruction; use of data in planning and
31 decision-making; and current issues in education as part of their service on the local
32 board and (ii) the division superintendent to participate annually in high-quality
33 professional development activities at the local, state or national levels.

34 E. Each local school board shall provide a program of high-quality professional
35 development (i) in the use and documentation of performance standards and evaluation
36 criteria based on student academic progress and skills for teachers and administrators to
37 clarify roles and performance expectations and to facilitate the successful implementation
38 of instructional programs that promote student achievement at the school and classroom
39 levels; (ii) as part of the license renewal process, to assist teachers and principals in
40 acquiring the skills needed to work with gifted students, students with disabilities, and
41 students who have been identified as having limited English proficiency and to increase

1 student achievement and expand the knowledge and skills students require to meet the
2 standards for academic performance set by the Board of Education; (iii) in educational
3 technology for all instructional personnel which is designed to facilitate integration of
4 computer skills and related technology into the curricula, and (iv) for administrative
5 personnel designed to increase proficiency in instructional leadership and management,
6 including training in the evaluation and documentation of teacher and administrator
7 performance based on student academic progress and the skills and knowledge of such
8 instructional or administrative personnel.

9 In addition, each local school board shall also provide teachers and principals with high-
10 quality professional development programs each year in (i) instructional content; (ii) the
11 preparation of tests and other assessment measures; ~~(ii)-(iii)~~ (iii) methods for assessing the
12 progress of individual students, including Standards of Learning assessment materials or
13 other criterion-referenced tests that match locally developed objectives; ~~(iii)-(iv)~~ (iv)
14 instruction and remediation techniques in English, mathematics, science, and history and
15 social science; ~~(iv)-(v)~~ (v) interpreting test data for instructional purposes; and ~~(v)-(vi)~~ (vi)
16 technology applications to implement the Standards of Learning.

17 F. Schools and school divisions shall include as an integral component of their ~~biennial~~
18 ~~plans and six-year comprehensive~~ plans, ~~respectively~~, required by § 22.1-253.13:6, high-
19 quality professional development programs that support the recruitment, employment,
20 and retention of qualified teachers and principals. Each school board shall require all
21 instructional personnel to participate each year in these high quality professional
22 development programs.

23 G. Each local school board shall annually review its professional development program
24 for quality, effectiveness, participation by instructional personnel, and relevancy to the
25 instructional needs of teachers and the academic achievement needs of the students in the
26 school division.

1 **§ 22.1-253.13:6. Standard 6. Planning and public involvement.**

2 A. The Board of Education shall ~~revise, extend and~~ adopt ~~biennially~~ a statewide ~~six-year~~
3 ~~comprehensive, unified, long-range~~ plan ~~based on data collection, analysis, and~~
4 ~~evaluation~~ that shall be developed with statewide participation. ~~The Board shall review~~
5 ~~the plan biennially and adopt any necessary revisions.~~ The Board shall post such plan on
6 the Department of Education's website if practicable, and, in any case, shall make a hard
7 copy of such plan available for public inspection and copying.

8 This plan shall include the objectives of public education in Virginia ~~including the~~
9 ~~improvement and sustainability of student achievement~~, an assessment of the extent to
10 which these objectives are being achieved, a forecast of enrollment changes and an
11 assessment of the needs of public education in the Commonwealth. In the annual report
12 required by § 22.1-18, the Board shall include an analysis of the extent to which these
13 Standards of Quality have been achieved and the objectives of the statewide ~~six-year~~
14 ~~comprehensive~~ plan have been met. The Board shall also develop, consistent with its ~~six-~~
15 ~~year comprehensive~~ plan, a detailed ~~six-year comprehensive, long-range~~ plan to integrate
16 educational technology into the Standards of Learning and the curricula of the public
17 schools in Virginia, including career and technical education programs. The Board shall
18 review and approve the ~~six-year comprehensive~~ plan for educational technology and may
19 require the revision of such plan as it deems necessary.

20 B. Each local school board shall ~~revise, extend and~~ adopt ~~biennially~~ a divisionwide ~~six-~~
21 ~~year comprehensive, unified, long-range~~ plan ~~based on data collection, analysis, and~~
22 ~~evaluation~~ that shall be developed with staff and community involvement. ~~The~~
23 ~~comprehensive plan shall include, or be consistent with, all other divisionwide plans~~
24 ~~required by state and federal laws and regulations. Each local school board shall review~~
25 ~~the plan biennially and adopt any necessary revisions.~~ Prior to the adoption of any
26 divisionwide ~~six-year comprehensive~~ plan ~~or revisions to the plan~~, each local school
27 board shall post such plan ~~or revisions~~ on the division's Internet website if practicable,
28 and, in any case, shall make a hard copy of the plan ~~or revisions~~ available for public
29 inspection and copying and shall conduct at least one public hearing to solicit public
30 comment on the divisionwide plan ~~or revisions~~.

31 The divisionwide ~~six-year comprehensive~~ plan shall include, but shall not be limited to,
32 (i) the objectives of the school division ~~including the improvement and sustainability of~~
33 ~~student achievement~~; (ii) an assessment of the extent to which these objectives are being
34 achieved; (iii) a forecast of enrollment changes; (iv) a plan for projecting and managing
35 enrollment changes including consideration of the consolidation of schools to provide for
36 a more comprehensive and effective delivery of instructional services to students and
37 economies in school operations; (v) an evaluation of the appropriateness of establishing
38 regional programs and services in cooperation with neighboring school divisions; (vi) a
39 plan for implementing such regional programs and services when appropriate; (vii) a
40 technology plan designed to integrate educational technology into the instructional
41 programs of the school division, including the school division's career and technical
42 education programs, consistent with the ~~six-year comprehensive~~ technology plan for
43 Virginia adopted by the Board of Education; (viii) an assessment of the needs of the
44 school division and evidence of community participation, ~~including participation by~~

1 parents, in the development of the plan; ~~and~~ (ix) any corrective action plan required
2 pursuant to § 22.1-253.13:3; and (x) a plan for parent and family involvement to include
3 building successful school and parent partnerships.⁵

4 A report shall be presented by each school board to the public by November 1 of each
5 odd-numbered year on the extent to which the objectives of the divisionwide ~~six-~~
6 yearcomprehensive plan have been met during the previous two school years.

7 C. Each public school shall also prepare a biennial-comprehensive, unified, long-range
8 plan, which the relevant school board shall consider in the development of its
9 divisionwide ~~six-year-~~ comprehensive plan.

10 D. The Board of Education shall, in a timely manner, make available to local school
11 boards information about where current Virginia school laws, Board regulations and
12 revisions, and copies of relevant Opinions of the Attorney General of Virginia may be
13 located online.

⁵ Added at the request of the Congress of Parents and Teachers to increase parent and family involvement.

1 **§ 22.1-253.13:7. Standard 7. School board policies.**

2 A. Each local school board shall maintain and follow up-to-date policies. All school
3 board policies shall be reviewed at least every five years and revised as needed.

4 B. Each local school board shall ensure that policies developed giving consideration to
5 the views of teachers, parents, and other concerned citizens and addressing the following:

6 1. A system of two-way communication between employees and the local school board
7 and its administrative staff whereby matters of concern can be discussed in an orderly and
8 constructive manner;

9 2. The selection and evaluation of all instructional materials purchased by the school
10 division, with clear procedures for handling challenged controversial materials;

11 3. The standards of student conduct and attendance and enforcement procedures designed
12 to provide that public education be conducted in an atmosphere free of disruption and
13 threat to persons or property and supportive of individual rights;

14 4. School-community communications and community involvement;

15 5. Guidelines to encourage parents to provide instructional assistance to their children in
16 the home, which may include voluntary training for the parents of children in grades K
17 through three;

18 6. Information about procedures for addressing concerns with the school division and
19 recourse available to parents pursuant to § 22.1-87;

20 7. A cooperatively developed procedure for personnel evaluation appropriate to tasks
21 performed by those being evaluated; and

22 8. Grievances, dismissals, etc., of teachers, and the implementation procedure prescribed
23 by the General Assembly and the Board of Education, as provided in Article 3 (§ 22.1-
24 306 et seq.) of Chapter 15 of this title, and the maintenance of copies of such procedures.

25 A current copy of the school division policies shall be kept in the library of each school
26 and in any public library in that division and shall be available to employees and to the
27 public. If such policies are maintained online, school boards shall ensure that printed
28 copies of such policies are available to citizens who do not have online access.

29 C. An annual announcement shall be made in each division at the beginning of the school
30 year and, for parents of students enrolling later in the academic year, at the time of
31 enrollment, advising the public that the policies are available in such places.

1 **§ 22.1-253.13:8. Compliance.**

2 The Standards of Quality prescribed in this chapter shall be the only ~~standards of quality~~
3 Standards of Quality required by Article VIII, Section 2 of the Constitution of Virginia.

4 Each local school board shall provide, as a minimum, the programs and services, as
5 provided in the ~~standards of quality~~ Standards of Quality prescribed above, with state and
6 local funds as apportioned by the General Assembly in the appropriation act and to the
7 extent funding is provided by the General Assembly.

8 Each local school board shall report its compliance with the Standards of Quality to the
9 Board of Education annually. The report of compliance shall be submitted to the Board
10 of Education by the chairman of the local school board and the division superintendent.

11 Noncompliance with the Standards of Quality shall be included in the Board of
12 Education's annual report to the Governor and the General Assembly as required by §
13 22.1-18.

14 As required by § 22.1-18, the Board of Education shall submit to the Governor and the
15 General Assembly a report on the condition and needs of public education in the
16 Commonwealth and shall identify any school divisions and the specific schools therein
17 that have failed to establish and maintain schools meeting the existing prescribed
18 ~~standards of quality~~ Standards of Quality.

19 The Board of Education shall have authority to seek school division compliance with the
20 foregoing Standards of Quality. When the Board of Education determines that a school
21 division has failed or refused, and continues to fail or refuse, to comply with any such
22 Standard, the Board may petition the circuit court having jurisdiction in the school
23 division to mandate or otherwise enforce compliance with such standard, including the
24 development or implementation of any required corrective action plan that a local school
25 board has failed or refused to develop or implement in a timely manner.